



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,116	04/08/2004	Lan-Shi Huang	3624-0163PUS1	8640

2292 7590 11/22/2005

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SCHRODE, WILLIAM THOMAS

ART UNIT	PAPER NUMBER
----------	--------------

3676

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/820,116	Applicant(s) HUANG ET AL.	
	Examiner William Schrode	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> |

Continuation of Attachment(s) 6). Other: Examiner's Attachment, Examiner's Attachment I.

DETAILED ACTION

The following office action is in response to the amendment filed on 10/19/2005.

Claims 1-8 re pending in the application. Claims 1-8 are rejected as set forth below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. (US 6,425,273). Kim et al. discloses a locking device as claimed (See FIG. 1-4 and respective portions of the specification). Referring to claim 1, Kim et al. discloses a lock including a rose (rose 8) with a first side (front surface), a second side (back surface), and two positioning plates (plates 76 and 78) provided on the second side of the rose; a handle (handle 16) rotatably extending through the rose; a spindle (spindle 12) including a first end securely attached to the handle and a second end; and a return disc (disc 48) mounted to second end of the spindle, the return disc including an annular wall (A, See Examiner's Attachment I) and a notch (B, See Examiner's Attachment I), a return spring (spring 22) received in the annular wall and extending through the notch of the return disc, with two ends of the return spring (C and D, See Examiner's Attachment I) being respectively extended through the notch of the return disc and attached to the positioning plates of the rose for returning the handle such that the two ends of the return spring exert a bias force on the positioning plates of the rose; wherein the notch

of the return disc has a width extending between two ends of the annular wall, the width being smaller than a diameter of the return spring so that the return spring cannot be disengaged or released from the return disc through the notch by the bias force of the return spring once the rose and the return spring are assembled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (5,372,025) in view of Kim et al. (US 6,425,273). Referring to claim 1, Lin discloses a lock (See FIG. 1-5 and respective portions of the specification) including a rose (rose 20) with a first side (front surface), a second side (back surface), and two positioning plates (plates 20a) provided on the second side of the rose; a handle (handle 2) rotatably extending through the rose; a spindle (spindle 25) including a first end securely attached to the handle and a second end; a return disc (disc 31) mounted to second end of the spindle, a return spring (spring 32) with two ends respectively attached to the positioning plates of the rose (Fig. 2) for returning the handle such that the two ends of the return spring exert a bias force on the positioning plates of the rose. Lin does not teach that the return disc includes an annular wall and a notch, and a return spring received in the annular wall and extending through the notch of the return disc, with the two ends of the return spring being respectively extended through the

Art Unit: 3676

notch of the return disc; wherein the notch of the return disc has a width extending between two ends of the annular wall, the width being smaller than a diameter of the return spring so that the return spring cannot be disengaged or released from the return disc through the notch by the bias force of the return spring once the rose and the return spring are assembled. Kim et al. (See FIG. 1-4 and respective portions of the specification) discloses a return disc (100) including an annular wall (A, See Examiner's Attachment I) and a notch (B, See Examiner's Attachment I), a return spring (spring 22) received in the annular wall and extending through the notch of the return disc, with the two ends of the return spring (C and D, See Examiner's Attachment I) being respectively extended through the notch of the return disc; wherein the notch of the return disc has a width extending between two ends of the annular wall, the width being smaller than a diameter of the return spring so that the return spring cannot be disengaged or released from the return disc through the notch by the bias force of the return spring once the rose and the return spring are assembled. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a return disc with an annular wall and a notch, a return spring (spring 20) received in the annular wall and extending through the notch of the return disc as disclosed by Kim et al. in the locking device disclosed by Lin, for the advantage of holding the spring in position and eliminating unnecessary contact between the spring and other functioning parts.

Referring to claim 3, Lin in view of Kim et al. (See Lin's FIG. 1-5 and respective portions of the specification) discloses a lock wherein the first side of the rose includes a

Art Unit: 3676

neck (Examiner Attachment, Figure 3 20b), the handle being rotatably extended through the neck, the second side of the rose including at least one positioning groove (groove 27), a restraining plate (plate 36) and a spring (spring 35) being mounted in the spindle, the restraining plate being slidable along an axial direction of the spindle, the restraining plate including at least one engaging piece (lug 362) that is releasably engaged in said at least one positioning groove of the rose for prohibiting rotation of the handle.

Referring to claim 6, Lin in view of Kim et al. (See Lin's FIG. 1-5 and respective portions of the specification) discloses a lock further including an actuating member (member 33) including a first end securely connected to the return disc and a end connected a latch assembly.

Referring to claim 8, Lin in view of Kim et al. (See Lin's FIG. 1-5 and respective portions of the specification) discloses a lock wherein the return spring is coaxially received in the annular wall of the return disc.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (5,372,025) in view of Kim et al. (US 6,425,273) as applied to claim 1 above, and further in view of Gao (5,666,833). Lin fails to show a return disc that includes a flange, and wherein the rose includes a stepped portion for engaging with the flange of the return disc. Gao et al. (See FIG. 1-13 and respective portions of the specification) teaches a reinforcing apparatus for a lever handle of a door lock that has a return disc (disc 4) that includes an annular flange (flange 44) used to engage the stepped portions (322) of a rose. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a return disc with a flange that engages with a stepped

portion of a rose as disclosed by Gao in the locking device as disclosed by Lin in view of Kim et al., for the advantage of limiting the number of parts and ease of manufacturing.

Claims 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (5,372,025) in view of Kim et al. (US 6,425,273) as applied to claim 3 above, and further in view of Kuo et al. (5,788,296). Referring to claim 4, Lin in view of Kim et al. (See Lin's FIG. 1-5 and respective portions of the specification), Lin discloses a lock further including a lock core assembly (23) and a locking/unlocking bar (bar 37) mounted to the handle, the locking/unlocking bar being rotatably extended through the spindle, the locking/unlocking bar restraining plate (plate 36), and the return disc. Lin in view of Kim et al. fails to show the restraining plate including at least one groove for cooperating with the locking/unlocking bar to control axial position of the restraining plate. Kuo et al. (See FIG. 1-11 and respective portions of the specification) teaches a restraining plate (plate 2) including at least one groove for cooperating with the locking/unlocking bar to control axial position of the restraining plate. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a restraining plate (plate 2) including at least one groove as disclosed by Kuo et al. in the locking device disclosed by Lin in view of Kim et al., for cooperating with the locking/unlocking bar to control axial position of the restraining plate.

Referring to claim 5, Lin in view of Kim et al. in further view of Kuo et al. (See Lin's FIG. 1-5 and respective portions of the specification) discloses a lock wherein the locking/unlocking bar includes at least one lobe (lobe 372) for cooperating with said at least one groove to control axial position of the restraining plate.

Referring to claim 7, Lin in view of Kim et al. in further view of Kuo et al. (See Kuo's FIG. 1-5 and respective portions of the specification) Kuo discloses a lock wherein the restraining plate includes an elongated hole (361) through which the locking/unlocking bar extends.

Response to Arguments

The applicants response to the drawing objections has been considered and the objections have been withdrawn.

Applicant's arguments filed 10/19/2005 have been fully considered but they are not persuasive.

In response to the applicant's argument regarding the 102 rejection for claim 1, the examiner would like to point out that Kim shows a return spring (22) extended through the notch (i.e. the ends C and D extend through notch B), so that the ends of the spring exert a bias force on the positioning plates of the rose positioning plates (i.e. the ends C and D exert a bias force on the plates 76 and 78 as stated by Kim at column 4 lines 25-28) and where the notch has a width extending between the two ends of the annular wall where the width is smaller than the diameter of the return spring so that it cannot be disengaged from the return device. Kim teaches that the outer perimeter of the spring is elastically fitted against the inner perimeter of the annular wall. Since the annular wall is curved around the perimeter of the return device and the two ends of annular wall that form the notch is less than 180 degrees, the notch is smaller than the spring diameter. Thus, Kim's spring cannot be disengaged from the return device. In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., The wall extends through an angle considerably greater than 180 degrees.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument regarding the 103 rejection for claim 1, Lin in view of Kim, the applicant states that Kim does not show that the return device has a notch smaller than the spring diameter, however, Kim overcomes the argument with the same response mentioned above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3676

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Schrode whose telephone number is (571)272-1647. The examiner can normally be reached on Mon-Fri 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WS

11/8/2005



BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER

US 6,425,273 B1

7/5/2005, EAST Version: 2.0.1.4

5,372,025

